

## **FACTSHEET**

**TITLE:** **USE PERMIT NO. 144, PIONEER WOODS 1<sup>ST</sup> ADDITION**, requested by J. Michael Rierden on behalf of Pioneer Woods, L.L.C., for 105,000 sq. ft. of office floor area, with waiver requests to allow signs in the front yard; not to show signs on the site plan; to adjust setbacks where lots abut the outlot; to modify the subdivision requirements so that final plats may be based upon the use permit; and to reduce the front yard setback, on property generally located at the northeast corner of So. 70<sup>th</sup> Street and Pioneers Blvd.

**STAFF RECOMMENDATION:** Conditional Approval, including approval of the waiver requests.

**ASSOCIATED REQUESTS:** Change of Zone No. 3368 (02-128).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/26/02 and 07/10/02  
Administrative Action: 07/10/02

**RECOMMENDATION:** Conditional Approval, with amendments (7-0: Carlson, Taylor, Larson, Bills-Strand, Newman, Steward and Schwinn voting 'yes'; Duvall and Krieser absent).

### **FINDINGS OF FACT:**

1. This use permit and the associated Change of Zone No. 3368 were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-6, concluding that with a pedestrian and/or trail connection to the northeast, the use permit can be found to be in conformance with the 2025 Comprehensive Plan and the Zoning Ordinance.
3. The applicant's testimony is found on p.10-11; 12-13; and 15. The applicant proposed amendments to the conditions of approval, deleting Conditions #1.1.13 and #1.1.14, and amending Condition #3, all pertaining to the pedestrian and/or trail connection to the northeast. Also See p.32-33.
4. There was no testimony in opposition.
5. On July 10, 2002, after continued public hearing, a motion to amend Condition #3 to require the applicant/owner to contribute the amount of \$57,200.00 to be utilized by the City for the pedestrian connection (as opposed to \$20,000.00 proposed by the applicant) failed 3-4 (Taylor, Newman and Carlson voting 'yes'; Bills-Strand, Larson, Steward and Schwinn voting 'no'; Krieser and Duvall absent).
6. On July 10, 2002, the Planning Commission voted 7-0 to recommend conditional approval, with amendments deleting Condition #1.1.14 and amending Condition #3, as requested by the applicant. Condition #1.1.13 was not deleted. (See Minutes, p.15-16).
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plans are attached (p.19-20).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 6, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** August 6, 2002

**REFERENCE NUMBER:** FS\CC\2002\UP.144

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

---

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Change of Zone #3368 **DATE:** June 12, 2002  
**Use Permit #144 - Pioneer Woods 1<sup>st</sup> Addition**  
**\*\*As Revised by Planning Commission: 7/10/02\*\***

**PROPOSAL:** Change of Zone: To change the zoning from R-3 to O-3  
Use Permit: To develop 105,000 square feet of office floor area, with requests to allow signs in the front yard, not to show signs on the site plan, to adjust setbacks where lots abut the outlot, to modify the subdivision requirements so that final plats may be based upon the use permit, and to reduce the front yard setback.

**WAIVER REQUESTS:** Front yard setback along Pioneer Woods Drive  
To allow signs in the front yard along Pioneers Blvd.  
To allow 0' setbacks on lots within the Outlot  
Modification of subdivision requirements to allow final plats to be based on the use permit.

**LAND AREA:** 9.44 acres, more or less

**CONCLUSION:** The Change of Zone request is in conformance with the 2025 Comprehensive Plan.

With a pedestrian and/or trail connection to the northeast, the Use Permit can be found in conformance with the 2025 Comprehensive Plan and the Zoning Ordinance.

<b>RECOMMENDATION:</b>	Change of Zone: Approval <b><u>Use Permit: Conditional Approval, including requested waivers</u></b>
------------------------	---

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of Lot 54 I.T., located in the SW 1/4 of Section 3, T9N, R7E of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska.

**LOCATION:** The northeast corner of S. 70<sup>th</sup> Street and Pioneers Blvd.

**APPLICANT:** Pioneer Woods, L.L.C.  
645 "M" Street, Suite #200  
Lincoln, NE 68508

**OWNER:** same

**CONTACT:** J. Michael Rierden  
645 “M” Street, Suite #200  
Lincoln, NE 68508  
(402) 476-2413

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:**

North: R-3 Antelope Creek and the Dog Run  
South: R-5 Lenox Village apartments south of Pioneers Blvd.  
East: R-3 Antelope Creek and large acreage lot  
West: B-2 Pioneer Woods commercial development

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan classifies this area as commercial. The corner of S. 70<sup>th</sup> Street & Pioneers Blvd. is designated as a Neighborhood Commerce Center, which typically range in size from 50,000 to 300,000 square feet in size. With the proposed office uses, this neighborhood center on the NE corner will have approximately 247,000 square feet of commercial floor area.

From the 2025 Comprehensive Plan:

**General Principles for All Commercial & Industrial Uses**

Commercial and industrial districts in Lancaster County shall be...

- outside of... floodplain areas
- accessible by various modes of transportation (p F 40)

**Guiding Principles for Commerce Centers**

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized. (p F 44)

**Pedestrians -**

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities. (p F 97)

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers. (p F 98)

**Activity Corridors and Centers** - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed. (p F 98)

**Bicycles and -  
Trails**

**Existing Areas** - Extend the bicycle and trails system into the new neighborhoods as the city grows. Connections should be made to schools, parks, and other activity areas. (p F 102)

**Developing Areas** - Encourage minimum bicycle and trails standards for private developments to provide bicycle and trails facilities connecting key destinations such as schools, parks, and activity centers. (p F 103)

Consider the location and alignment of trails in reviewing development applications. Request that the platform for trails be graded in conjunction with the associated development. (p F 103)

**HISTORY:**

On **April 9, 2001**, City Council approved Use Permit #130, which permitted 142,000 square feet of commercial/restaurant/retail space on the northeast corner of S. 70<sup>th</sup> & Pioneers Boulevard.

On **October 18, 2000**, the Planning Commission recommended approval to Change of Zone #3263 (to B-2), Use Permit #130, and Pioneer Woods Preliminary Plat #00016. Following the Planning Commission's action, the Public Works & Utilities Department discovered that the proposed access to S. 70<sup>th</sup> Street was at too steep of a grade along 70<sup>th</sup> Street and requested the intersection be moved north to a flatter grade.

Portions of the property were annexed into the City in **1977, 1978 and 1987**.

In the **1979** Zoning Update, the corner of 70<sup>th</sup> and Pioneers was changed from G Local Business to B-1 Local Business, and the remainder of the property was changed from A-1 Single Family Dwelling to R-3 Residential.

On **May 20, 1968**, City Council postponed Change of Zone 884 indefinitely, to change the zoning on the four corners of 70<sup>th</sup> and Pioneers from G Local Business to A-1 Single Family Dwelling.

**UTILITIES:** Available.

**TOPOGRAPHY:** The site slopes from Pioneer Woods Drive down to Antelope Creek.

**TRAFFIC ANALYSIS:** S. 70<sup>th</sup> Street and Pioneers Boulevard are both classified as minor arterial streets.

**PUBLIC SERVICE:** City of Lincoln Fire and Police

**ENVIRONMENTAL CONCERNS:** Protection of the wetlands and flood plain along Antelope Creek. Water quality of Holmes Lake. Light pollution from parking lot lights - this site is near Hyde Observatory.

**ANALYSIS:**

1. The request to change the zoning from R-3 to O-3 is consistent with the 2025 Comprehensive Plan, which identifies this area as Commercial, if the proposed development plan is redesigned to meet the items listed under the Comprehensive Plan Specifications of this report.
2. The Change of Zone and Use Permit are entirely outside of the 100 year flood plain and the Holmes Lake flood storage easement along Antelope Creek. This preserves flood storage and increases the green space separation between this Commerce Center and the residential north and east of Antelope Creek.
3. The 105,000 square feet of office floor area were originally proposed with the Pioneer Woods Use Permit but were withdrawn from the application. This floor area was included in the traffic study accompanying Pioneer Woods. The surrounding street system has the capacity to carry the traffic generated by this development.
4. The development proposes more landscaping than is required by design standards.
5. This Use Permit is being used as a substitute for a Preliminary Plat. As such, it should generally conform to the requirements of the Subdivision Ordinance. §26.23.050 of the Subdivision Ordinance requires that the location and arrangement of streets be such as to provide reasonable access to adjoining property and facilitate the platting of adjoining property. By that standard, a road connection would be required east across Antelope Creek. §26.23.125 further requires a pedestrian way where block length exceeds 1,000 feet and where needed for pedestrian traffic. The block length here exceeds 1,000 feet.
6. The 2025 Comprehensive Plan states, “physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development.” It also states that “The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.”
7. Pedestrian access to this Neighborhood Center from the adjacent neighborhoods is lacking, which will encourage more vehicular trips from the residential neighborhoods to the north and east. A pedestrian bridge across Antelope Creek will provide the required pedestrian way, would directly serve this Neighborhood Center, would integrate the shopping and office center with adjacent activities, and will reduce traffic impacts on S. 70<sup>th</sup> Street and Pioneers Boulevard. The crossing could potentially be a low water crossing, which would not be required to span the floodway. The connection should be constructed at the same time as the future bike

trail on the east side of the creek. A sidewalk running from the north of the site to the parking area between Lots 6 and 7 could cut across the hill and still have a relatively flat slope.

8. Per the 2025 Comprehensive Plan, commercial centers “should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.” Pedestrian access must also be provided from Pioneer Woods Drive to the buildings. Show interior sidewalks connecting the Pioneer Woods Drive sidewalks to the buildings.
9. Setbacks along public streets are measured from the edge of the right-of-way. Along private roadways, the analogous place to measure from is the edge of the public access easement. The front yard issue is thus from what is the front yard measured instead of the measurement itself - the applicant requests that it be measured from the curb. Olsson Associates provided a draft layout which featured setbacks ranging from 20 feet to 55 feet along Pioneer Woods Drive. The parking areas were no closer than 17 feet from the public access easement. The front yard setback waiver is acceptable along Pioneer Woods Drive, provided that the building on Lot 7 is oriented towards the street and the parking areas are shown at least 17 feet from the public access easement. The main entrance shall be on Pioneer Woods Drive, and it shall be connected to the sidewalk and the parking areas.
10. The request to allow signs in the front yard setback along Pioneers Blvd. is not required for signs which meet the requirements of §27.69.044(b)(2). The notes should be amended to specify the type and number of signs which are permitted, and some signs should be shown on the site plan as follows:

§27.69.044(b)(2) - Permits ground signs identifying the name of the office park and tenants. These signs may not exceed 32 square feet in area or 8 feet in height. These should be shown on Pioneers Blvd. and S. 70<sup>th</sup> Street where they intersect Pioneer Woods Drive. They should be no closer to the streets than the center identification signs in the B-2 area so that signage along the arterials is consistent.

§27.69.044(b)(3) - Permits one internal direction sign per entrance not exceeding 50 square feet in size and eight feet in height. Show a maximum of three along Pioneer Woods Drive on the site plan. These signs must be outside the front yard setback.

§27.69.044(b)(4) - Permits one ground sign not exceeding fifteen square feet in area at each building entrance. These need not be shown on the site plan.

#### **WAIVER RECOMMENDATIONS:**

Front yard setback along Pioneer Woods Drive **(Approval)**

To allow signs in the front yard along Pioneers Blvd. **(Unnecessary)**

To allow 0' setbacks on lots within the Outlot **(Approval)**

Modification of subdivision requirements to allow final plats based on the use permit. **(Approval)**

## **USE PERMIT CONDITIONS:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
  - 1.1.1 Utility easements requested by L.E.S.
  - 1.1.2 Add a note indicating that the main entrance to the building on Lot 7 shall be along Pioneer Woods Drive. The entrance shall be connected to the sidewalk on Pioneer Woods Drive and to the parking areas adjacent to the building.
  - 1.1.3 Provide defined drainage paths for those drainage outlets not draining directly to wetland areas. The design of the drainage paths must show how they will be protected from erosion.
  - 1.1.4 The drainage from all drainage outlets must have erosion control measures.
  - 1.1.5 To Note 4 on Sheet 2, add that a copy of the site grading certification letter shall be copied to the Watershed Management Program at 901 N. 6<sup>th</sup> Street, Lincoln, NE 68508.
  - 1.1.6 Provide hydraulic grade line calculations and profiles for the storm drain pipe system.
  - 1.1.7 Provide energy dissipation calculations for the outlets.
  - 1.1.8 Revise the grading & drainage plan to the satisfaction of Public Works & Utilities, especially considering water quality, erosion and sediment control for runoff from the site.
  - 1.1.9 Provide pre-treatment of the storm water runoff prior to discharge through the use of compost filters, oil/water separating units, or similar methods.
  - 1.1.10 Substitute Swamp White Oak for Red Oak.
  - 1.1.11 Replace Dwarf Scotch Pine with a species less susceptible to Pine Wilt, to be approved by Parks & Recreation.

- 1.1.12      Revise the “required landscaping” chart to include 36 trees and 3,600 sq. ft. of shrubs.
- 1.1.13      Revise the site and grading plans to show a connection to the future or current bike trail on the east side of Antelope Creek.
- ~~1.1.14      Provide designs for the Antelope Creek bicycle/pedestrian crossing which comply with flood plain and other applicable development regulations.~~  
**(\*\*Per Planning Commission: 7/10/02\*\*)**
- 1.1.15      Add a note to the site plan which describes the signage discussed in the Analysis above.
- 1.1.16      Provide at least 17' of setback from the public access easement along Pioneer Woods Drive to the parking areas.
- 1.1.17      Dimension parking areas from the public access easement.
- 1.1.18      Show sidewalks along Pioneers Blvd., S. 70<sup>th</sup> St., and Pioneer Woods Drive.

2.      This approval permits 105,000 square feet of office floor area and the City Council approves the following waivers/modifications:

- 2.1      A waiver to measure front yard setback from back of curb along Pioneer Woods Drive, a private roadway.
- 2.2      Building identification signs need not be shown on the site plan. Their locations shall be determined at the time of building permit.
- 2.3      No setbacks are required on lots which are completely surrounded by an outlot.
- 2.4      A modification of §26.31.015 of the subdivision regulations to permit the Planning Director to approve administrative final plats based on the use permit.

3.      The owners shall contribute the amount of \$20,000.00 to be utilized by the City for a, within the limits of their property, construct a pedestrian connection to the proposed bike trail on the east side of Antelope Creek at such time as the bike trail is constructed, or shall provide a surety in an amount determined by the City to guarantee the construction of the connection. If the City is unable to obtain the necessary permits to construct the pedestrian connection, then the \$20,000.00 may be utilized by the City for the construction of the bike trail on the east side of Antelope Creek. **(\*\*Per Planning Commission: 7/10/02\*\*)**



General:

4. Before receiving building permits:
  - 4.1 The permittee shall have submitted a reproducible final plan including 5 copies and the plans are acceptable.
  - 4.2 The construction plans shall comply with the approved plans.
  - 4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the office buildings all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Jason Reynolds  
Planner

# **CHANGE OF ZONE NO. 3368 and USE PERMIT NO. 144**

## **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 26, 2002

Members present: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn; Steward absent.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Jason Reynolds of Planning staff submitted a statement of endorsement from the Pedestrian/Bicycle Advisory Committee for the 6' wide pedestrian connection from the Antelope Creek Trail/Fox Hollow Neighborhood to Pioneer Woods Commercial Development, and that the connection should be on the north end of the site.

### Proponents

**1. Mike Rierden** appeared on behalf of the applicant, who is in general agreement with the staff recommendation and conditions of approval. This request is in conformance with the new Comprehensive Plan. However, one primary concern has to do with the pedestrian connection that is being requested and required under Conditions #1.1.13, #1.1.14 and #3. Rierden pointed to the channel for Antelope Creek and the 100 year floodplain boundary on the map. Conditions #1.1.13 and #1.1.14 require the applicant to show and to design the pedestrian connection. The applicant is in agreement that a connection would be of benefit but it puts this applicant in a predicament. The area where the pedestrian connection is to be shown is basically controlled by the Corps of Engineers. Therefore, at this point in time, the applicant does not believe they can show or design a pedestrian corridor until such time as the Corps of Engineers would approve such a connection (and he believes there is a good likelihood that they will not approve it because it protects the Holmes Lake area). Even if negotiations were started with the Corps of Engineers, Rierden believes that it would take months to get anything out of the Corps as far as permits. It is almost impossible to design and show a connection at this point in time.

Condition #3 asks the applicant to agree to do the connection. Rierden advised that the applicant certainly has no objection to doing the normal type of connection but there is a good probability that it would be some sort of a bridge which would greatly escalate the costs of the connection itself. The cost of a normal connection would be \$17,000 to \$18,000. That would increase to \$50,000 to \$75,000 if a bridge is required. In the spirit of cooperation, the applicant has offered to put up security in the amount of \$17,200, contributing that to the city and letting the city go ahead and deal with the Corps on this matter. The applicant is in favor of this connection but this developer does not have the clout to negotiate with the Corps of Engineers. Rierden thus requested to delete Conditions #1.1.13 and #1.1.14, and amend Condition #3 to allow this applicant to deposit security in the amount of \$17,200 with the city to pay this developer's fair share of the connection.

Schwinn suggested that if we really need a connection on the bike path, maybe it should go down So. 70<sup>th</sup> and widening the sidewalk might be the best alternative. Rierden confirmed that 70<sup>th</sup> Street and Pioneers Boulevard were discussed with staff as providing sufficient connection. The new Comprehensive Plan talks in terms of providing this type of connection and this applicant is willing to put up the money to provide for the normal type of connection.

Taylor inquired further about deleting Condition #1.1.13. Rierden further explained that designing and showing the connection may not be possible at this point in time until we know the position of the Corps of Engineers. It will be necessary to find out if the Corps will allow a connection, or where they prefer to have the corridor. It would be an exercise in futility to design and show the corridor without the Corps of Engineers approval. Taylor asked whether the applicant would be agreeable to an amendment that would require the applicant to put forth a design after approval by the Corps of Engineers. Taylor wants some assurance that there would be a bike path there. Rierden indicated that the applicant would agree to show whatever would transpire in the future. The concern is waiting for the Corps to make a decision because that could be months down the road. He assured that the applicant would work with the city to show the path on the plan once it is determined. Rierden's concern is that the applicant does not want to be required to actually agree to building a pedestrian connection at this point in time that will cost hundreds of thousands of dollars. The applicant would do the normal connection and offer to put up the security at this time.

Carlson inquired how Rierden came up with \$17,200. Todd Lorenz of Olsson Associates stated that it is an estimate based on a typical 10' bike path at 400' length for the most efficient route. That gets it to this applicant's property line. It does not get it across the creek, but leads to the creek. It comes down to cost benefit and whether it would be more efficient to go to 70<sup>th</sup> Street or Pioneers Blvd. The Corps is very protective of that area with the wetlands, Holmes Lake flowage easement, the floodplain and the floodway. For us to make an assumption at this point would not be appropriate.

There was no testimony in opposition.

#### Staff questions

Carlson asked staff whether the raised bridge is the only option. What is the potential for timeline and costs? Jason Reynolds advised that there are three different options. The most feasible would be a low water crossing, the intention being that it is under water anytime there is a flood event. However, it is something that would have to be discussed with the Corps of Engineers with regard to the Holmes Lake flowage easement. This is less expensive than the other types of bridges. The goal would be to find a place where the channel is straight. There is running water in the channel. It would be outside the confines of the dog run area.

Carlson inquired whether there is any sense of the cost for the low flow versus the bridge. Dennis Bartels of Public Works stated that the surety that is proposed at \$17,200 is basically just for the concrete and does not address the bridge. It will depend on which of the routes is selected. There is a grade difference to make up so the cost estimate will depend on the location. He does not have a good feel for any of the options being discussed as far as cost. The Corps of Engineers would have to approve any of the options. The Corps has been real selective of what they will allow in their flowage easements.

Lynn Johnson, Director of Parks and Recreation, indicated that Parks has done some of these low water crossings; however, he does not know whether Parks has done one with the kind of volume that comes down Antelope Creek. He suggested that staff may need a couple of weeks to work through this and look at the connections. Johnson also suggested that there is a third alternative, i.e. the intent within the next 2-3 years is to extend the Antelope Creek trail along the Creek on the east side. There would be a grade separated crossing and the Antelope Creek trail would extend under Pioneers Boulevard. It would have to be a high water crossing requiring sidewalk connections. It is not a very direct connection. The Parks Department is willing to work to generate some numbers in the next two weeks.

Reynolds clarified that the applicant is proposing to delete Conditions #1.1.13 and #1.1.14 and to provide \$17,200 for surety. It would then be up to the city to deal with the Corps of Engineers to figure out the design and costs. If the staff recommendation is approved as written, the applicant is required to come up with the design for the pedestrian connection to the east side prior to this application being scheduled on the City Council agenda. It would also require Corps approval prior to scheduling on the Council agenda. Reynolds did not know the Corps' timeline. It could range from three weeks to considerably longer.

Reynolds indicated that the staff would advocate a two-week deferral to determine the costs associated, etc.

#### Response by the Applicant

In the spirit of cooperation, Rierden stated that he would agree to a two-week deferral to work with staff.

Carlson moved to defer two weeks, with continued public hearing and administrative action scheduled for July 10, 2002, seconded by Bills-Strand and carried 8-0: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn voting 'yes'; Steward absent.

#### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 10, 2002

Members present: Taylor, Bills-Strand, Larson, Newman, Carlson, Steward and Schwinn; Duvall and Krieser absent.

#### Proponents

**1. Michael Rierden** appeared on behalf of the applicant and agreed with the staff recommendation and conditions of approval, except for three conditions relating to the proposed pedestrian connection from this development over east to the Fox Hollow area. Rierden requested that Conditions #1.1.13 and #1.1.14 be deleted, and that Condition #3 be amended to allow this applicant to contribute \$20,000 toward the construction of the pedestrian easement.

Rierden explained that Condition #1.1.13 requires that a pedestrian connection be shown on the site plan, and Condition #1.1.14 requires this applicant to design the pedestrian connection. Rierden displayed a map showing that this is a "nasty" area to be trying to do anything. There is the Holmes

Lake flowage easement, floodplain, floodway and wetlands. All of this is the domain of the Corps of Engineers. This applicant does not want to have to deal with the Corps of Engineers as a developer because it takes quite some time to actually come to an agreement with the Corps. If the city wants a pedestrian connection, the city would be better equipped to work with the Corps. At the last public hearing, this applicant offered to make a \$17,200 contribution to the connection. Since then, the applicant has met with the staff and the staff is requesting a contribution in the amount of \$57,200. Rierden believes that to be way in excess of this developer's responsibility. This developer is now offering a contribution of \$20,000. If this pedestrian connection does not happen, the developer agrees that the city can utilize the funds for the proposed bike path on the east side. This would be an outright contribution to the city for the pedestrian connection or for the bike path. Rierden believes this to be a fair resolution of this problem. He suggests that there is a real question as to whether or not there will ever be a pedestrian connection.

Carlson inquired whether the applicant would contribute \$57,200 if they got it all back if the connection is not built. Rierden's response was "no". Rierden did not know the total investment in this development at this point in time but he would guess it to be more than a million dollars.

Schwinn inquired as to who owns the Holmes Lake flowage easement. Rierden advised that it is a private property easement to the Corps of Engineers. The dog run is owned by the city.

Rierden acknowledged the benefit of the pedestrian connection and it would be an amenity to this development, but the contribution of \$20,000 is certainly fair.

There was no testimony in opposition.

Steward was interested in hearing the rationale for this spread of opinion about appropriate costs. Jason Reynolds of Planning staff suggested that this development is going to generate a certain level of pedestrian interest. The new Comprehensive Plan suggests that shopping centers have pedestrian connections to the neighborhood. This development is generating that pedestrian traffic; therefore, the staff is asking for the amenities the same as for sidewalks along the private roadways.

Bills-Strand noted, however, that generally we are not trying to go through a floodplain and a floodway to make the connections.

Reynolds stated that the cost breakdown is about \$7,200 for the sidewalk and then \$50,000 for research, mitigation and construction of a low water crossing.

Bills-Strand wonders what the odds are in getting it approved by the Corps. Reynolds believes it is a decision of the Planning Commission and City Council. The Comprehensive Plan has indicated that such a connection should exist.

Schwinn pointed out that these connections could be on the north side of 70<sup>th</sup> and on the east side of Pioneers Blvd. Reynolds believes there is also a question of the level of service of the sidewalk system.

As far as the mechanism for the contribution, Carlson inquired as to staff's response to adjusting Conditions #1.1.13 and #1.1.14 so that what they are providing is a financial contribution and not doing the design. Reynolds explained that with the grading and drainage, it should be relatively trivial to provide a trail platform within the site. As far as the design and construction of the low water crossing, that would be something covered by the contribution and the city would be working with the Corps on the design. It is necessary to have the grading plan provide a platform for the sidewalk to get up to the parking level (Condition #1.1.13). Reynolds believes the Commission could delete Condition #1.1.14 and adjust Condition #3, if desired. But Condition #1.1.13 should not be eliminated.

Carlson asked staff to respond to the applicant's proposed amendment to Condition #3. Reynolds suggested that it would be acceptable if "total cost" is substituted for "\$20,000.00". If the Commission is looking to have a higher dollar amount, but refund the difference, then the language should describe that condition.

Bills-Strand wondered whether there should be some kind of a deadline. Reynolds suggested that typically, with the sureties the city accepts, there is a certain deadline within which the private party is to construct. If not done, the city can call the surety and construct it.

Schwinn inquired about the property on the other side. He believes there were some preliminary discussions about what Don Hamann (the owner) wanted to do with that property. Ray Hill of Planning staff recalled the discussions—Hamann's property is being developed today. The other area owned by Dr. Fricke has already been developed into homes and duplexes. There are no specific plans for the area in this general location, but there have been discussions about commercial and office on the south side of Antelope Creek. Bills-Strand wondered whether there is any obligation for the other properties to come in and meet half way. Hill suggested that the Parks Department might be able to speak more about the bike path that is being built on the north and east side of Antelope Creek.

Schwinn inquired whether the area we refer to as Fox Hollow Park directly to the south of the bike path is in the floodplain. Hill referred to the map on page 110 of the agenda, which describes the Holmes Lake flowage easement, the 100 year floodplain by elevation and the 100 year floodplain by the mapping. There is quite a bit on the east side in the flowage easement but outside of the actual floodplain. The easement is based upon the elevation of the spillway of the Holmes Lake dam.

Schwinn wondered whether this is part of the Holmes Lake redevelopment project. Terry Genrich of the Parks Department indicated that it is intended to be part of that project. Funding will be an issue as to what we do in that area. There are discussions about acquiring an easement on the east side of Antelope Creek for the trail in order to connect to the trail that exists to the dog run now, continuing under Pioneers Blvd. and all the way down to Hwy 2. That connection is essential for the trail system. We will be putting an underpass at Pioneers as well. The Parks Department has worked through the floodplain issues before doing the trails.

Bills-Strand still wondered whether the developer on the other side has any obligation to do half of the connection. Hill's response was "no". The connection is to the commercial area.

Larson sought confirmation that the easement on the trail could be in the floodplain. Schwinn believes that it can. Larson suggested that the sidewalk should be able to be in the floodplain as well. Schwinn stated that that also requires a Corps of Engineers permit.

#### Response by the Applicant

Rierden believes there are alternatives. The bike path has not been designed yet. There could be a connection to Pioneers Blvd. as a tributary off the main bike path. There are less costly solutions than what the city is proposing. This is a unique area and is problematic. We can't even touch the ground to do any grading until we get permission from the Corps of Engineers. Some value should be placed upon this applicant giving up an easement area for this pedestrian wherever this pedestrian connection might be located.

Steward sought clarification from the applicant that Condition #1.1.13 forces this applicant into an engagement with the Corps of Engineers. Rierden believes that Condition #1.1.14 does more so. The applicant could easily show a bike path or pedestrian connection on the site plan as required by Condition #1.1.13, but he believes that is really an exercise in futility until the Corps of Engineers gets involved. Hill explained that the conditions proposed by staff ask the applicant to show a design on the site plan. If that design gets changed, we can do an administrative amendment to make a revision to the design. We are wanting the Commission to require the design so that it is part of this project. We don't want them designing, building and grading in such a way that would prevent the path we are talking about. Rierden stated that he does not want to argue about Condition #1.1.13. They can show the connection on the site plan with the understanding that it could change.

Public hearing was closed.

#### **USE PERMIT NO. 144**

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 10, 2002

Steward moved to approve the staff recommendation of conditional approval, with amendments deleting Condition #1.1.14 and amending Condition #3 as submitted by the applicant:

3. The owners shall ~~contribute the amount of \$20,000.00 to be utilized by the City for a ; within the limits of their property, construct a~~ pedestrian connection to the proposed bike trail on the east side of Antelope Creek ~~at such time as the bike trail is constructed, or shall provide a surety in an amount determined by the City to guarantee the construction of the connection. If the City is unable to obtain the necessary permits to construct the pedestrian connection, then the \$20,000.00 may be utilized by the City for the construction of the bike trail on the east side of Antelope Creek.~~

Motion was seconded by Bills-Strand.

Steward believes this is a "fuzzy" set of conditions to be voting on under any circumstance in terms of the financial characteristics from the information given to the Commission previously and now. It appears that this might be a middle ground, compromised position, that may not satisfy either side, but it seems fair under the circumstances and information that the Commission has been given. He

is reluctant to believe that there is \$57,000 of actual real costs when it has not been engineered and with all of the contingencies of the Corps and all of the water related conditions. On the other hand, he believes that a pedestrian connection to this development is absolutely necessary for this neighborhood.

Carlson moved to amend to change \$20,000 in Condition #3, to \$57,200, seconded by Newman.

Carlson agrees that it is awkward to be banting the particular numbers back and forth. He would rather err on the side of Parks and the numbers they have generated. The pedestrian connection requirement is in the Comprehensive Plan and we need to be serious about it.

Schwinn commented that if it is in the Comprehensive Plan and it is that important to the city, then the city should be the one to pay for it. If the \$57,000 or total cost is substituted for the \$20,000 in Condition #3, and the city doesn't spend it, the applicant doesn't get the balance back.

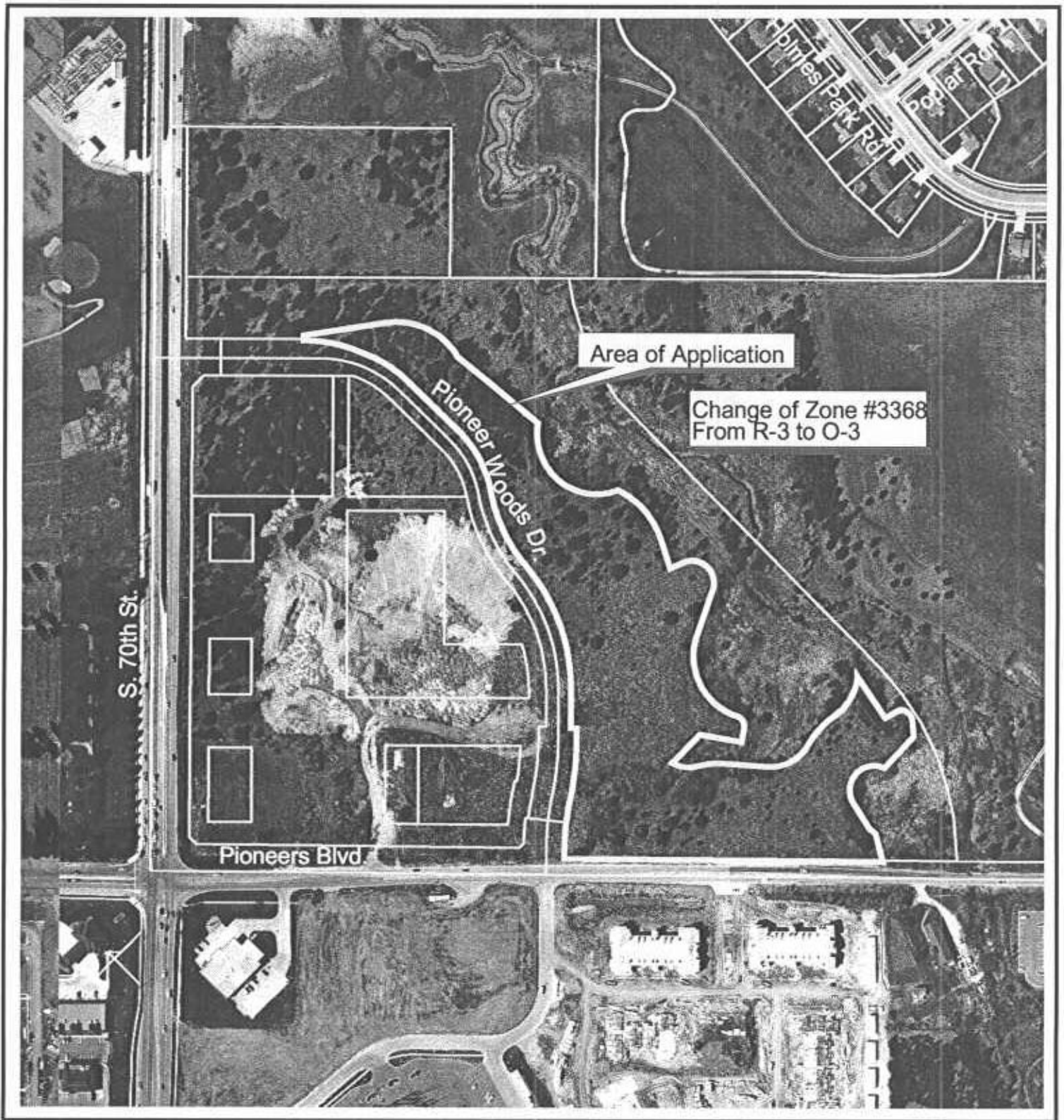
Bills-Strand pointed out that the other side didn't contribute anything to the sidewalks. She believes it is an unfair system. She believes this applicant is contributing a fair amount with the \$20,000.

Motion to amend Condition #3 to replace "\$20,000" with "\$57,200" failed 3-4: Taylor, Newman and Carlson voting 'yes'; Bills-Strand, Larson, Steward and Schwinn voting 'no'; Krieser and Duvall absent.

Schwinn believes that the \$20,000 is probably going to be enough and he also thinks that maybe in the future as the buildings get finished and the potential of the business to the north comes forward, the developer may come forward and be willing to contribute more to make sure this happens.

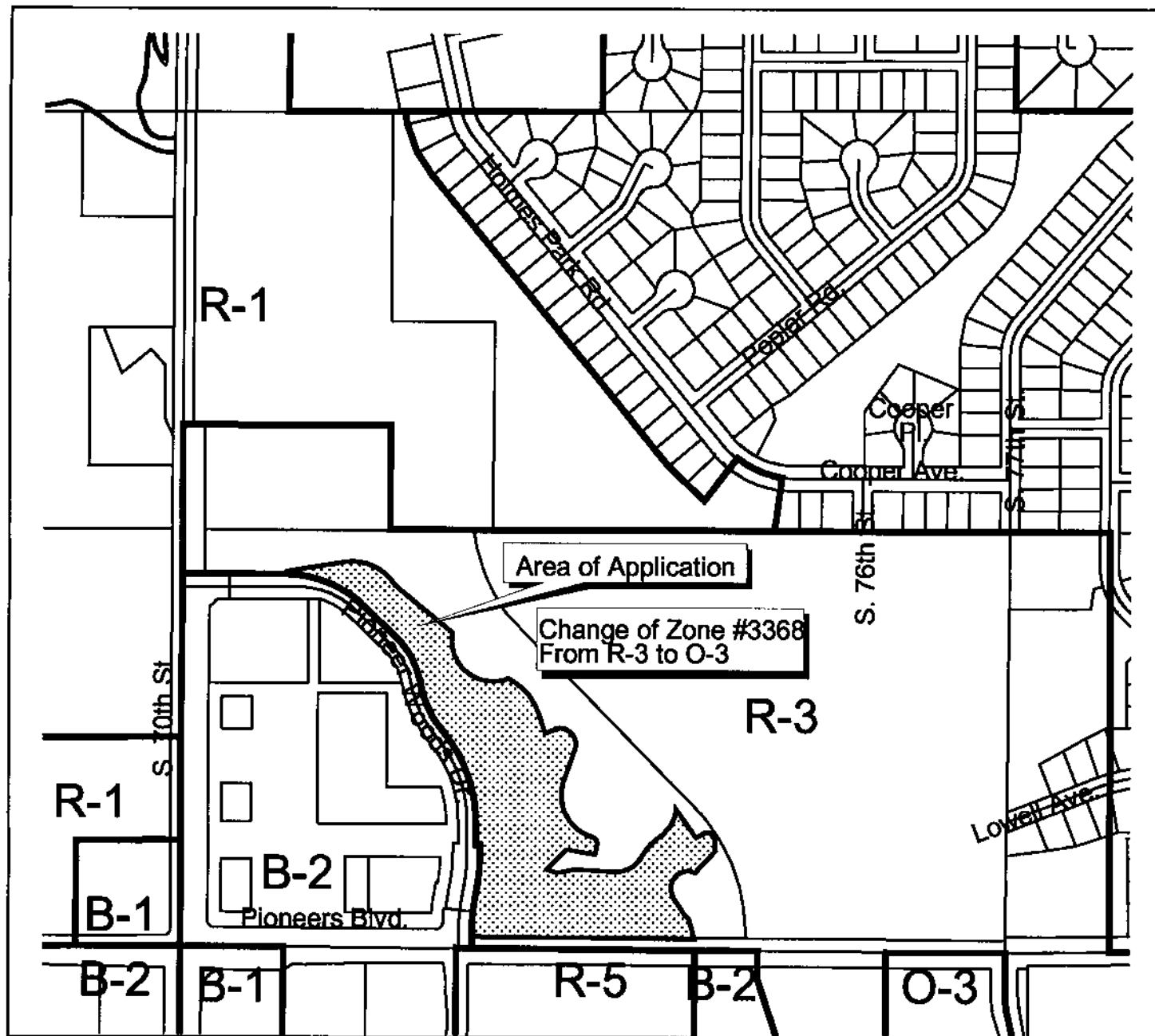
Motion for conditional approval, with amendments deleting Condition #1.1.4 and amending Condition #3 as requested by the applicant, carried 7-0: Taylor, Bills-Strand, Larson, Newman, Carlson, Steward and Schwinn voting 'yes'; Krieser and Duvall absent.





**Change of Zone #3368**  
**Use Permit #144**  
**S. 70th & Pioneers Blvd.**





**Change of Zone #3368**  
**Use Permit #144**  
**S. 70th & Pioneers Blvd.**

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

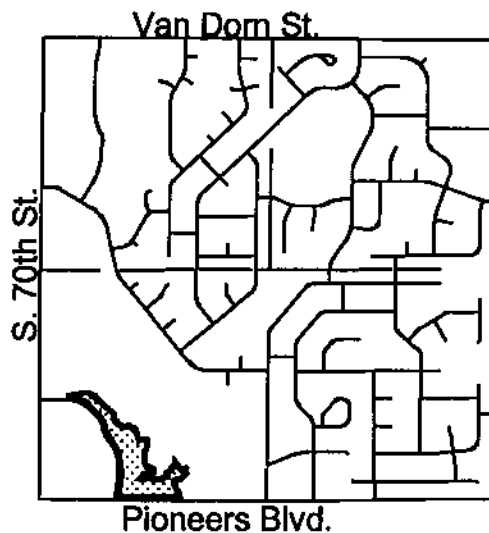
**One Square Mile**  
**Sec. 3 T9 N R7E**



**Zoning Jurisdiction Lines**



**City Limit Jurisdiction**

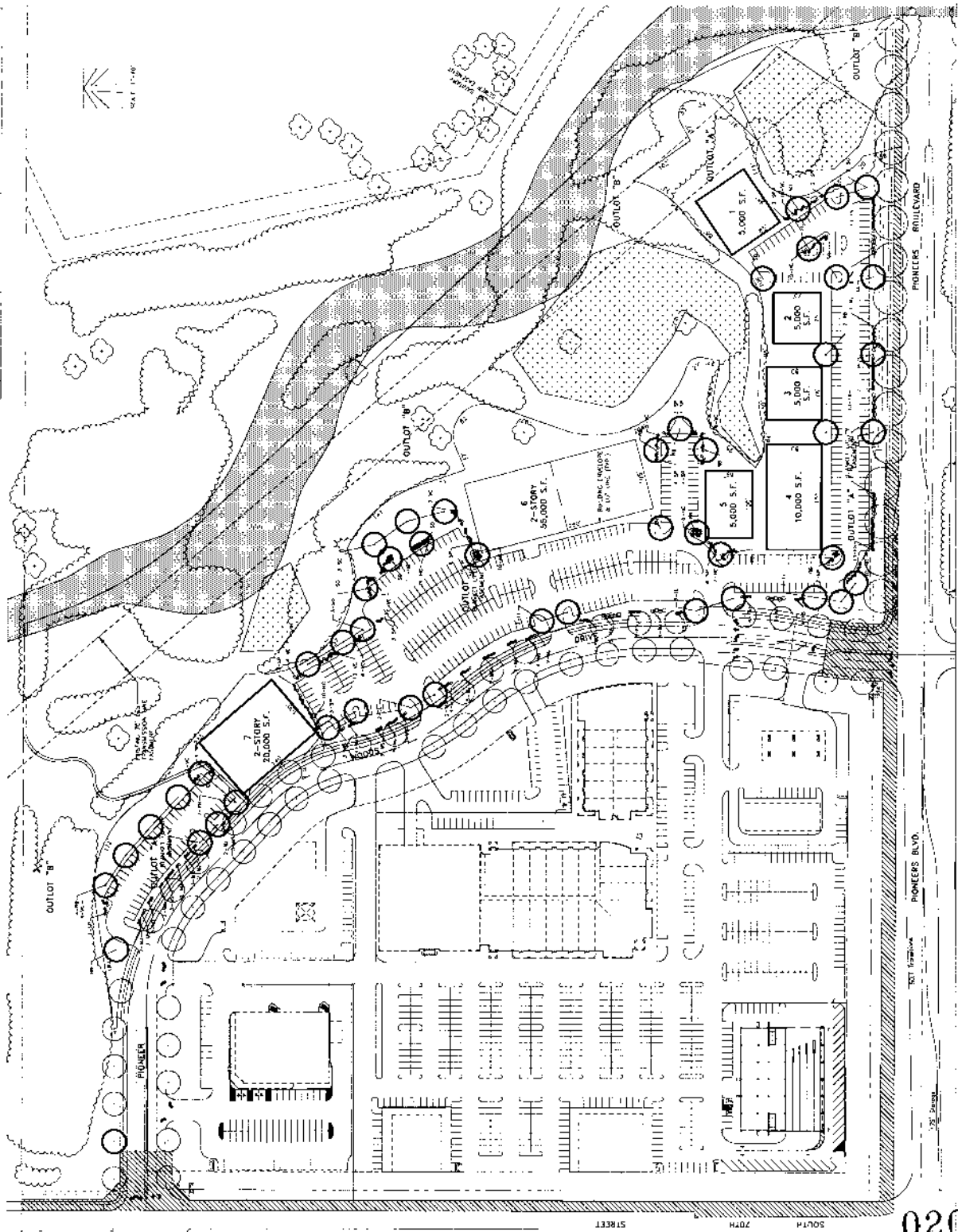


**018**



[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 01-11-2010 BY 60322 UCBAW

[illegible][illegible]

⑦ SQL3 PLAN - VC D-1A.

CONFIDENTIAL

[illegible]

020



# UP 144 Pedestrian Exhibit

## Distance from Point A to Point B

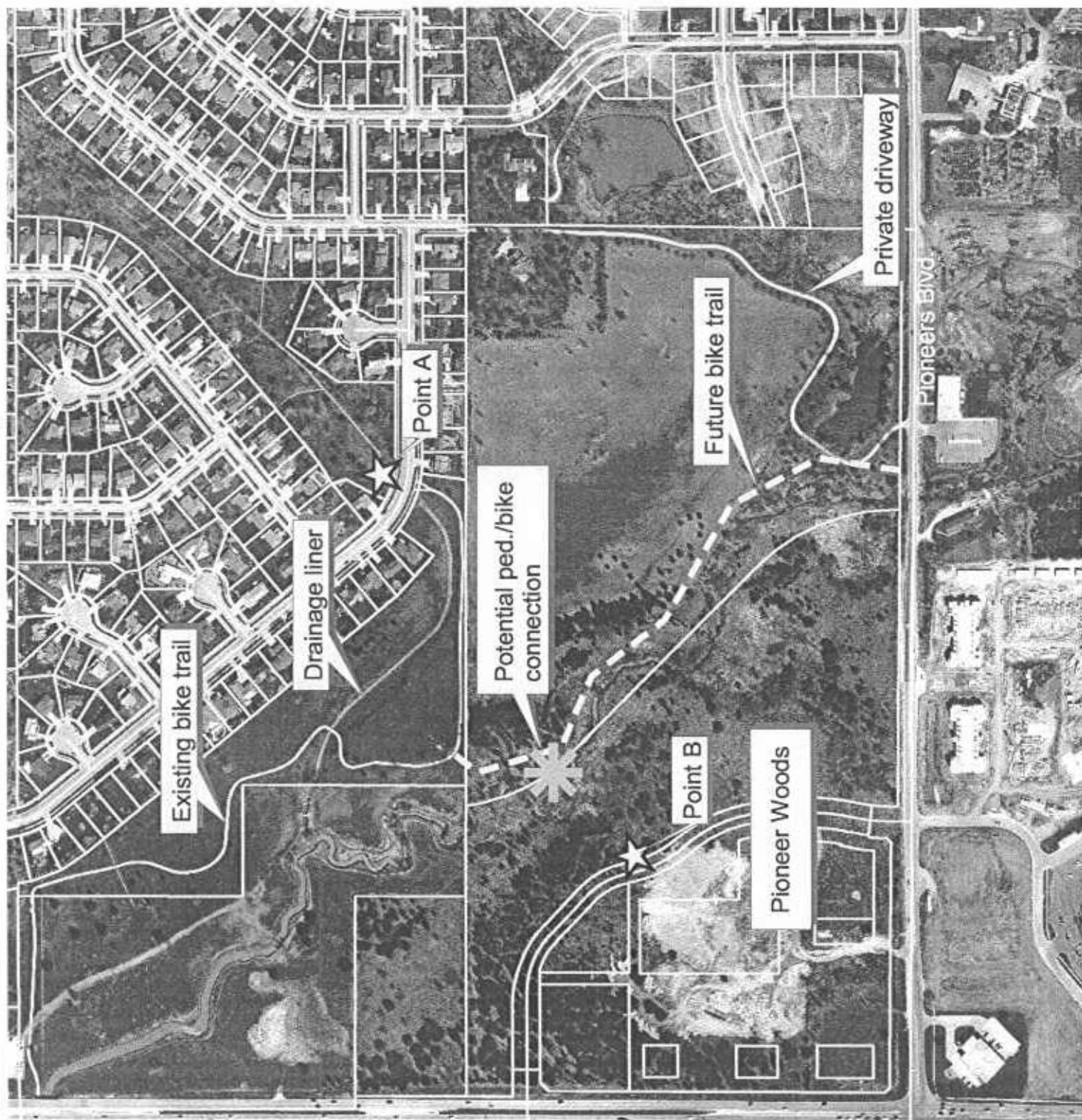
With connection - 1,700 ft

Without connection - 5,900 ft.

If this development does not provide a pedestrian connection over Antelope Creek, the pedestrian network serving this shopping center is poor.



200 0 200 Feet



**LEGAL DESCRIPTION  
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 54 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 54 I.T., SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF PIONEER WOODS DRIVE AND THE NORTH RIGHT-OF-WAY LINE OF PIONEER'S BOULEVARD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 24 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 14.33 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 555.00 FEET, ARC LENGTH OF 113.49 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 16 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 113.30 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 645.00 FEET, ARC LENGTH OF 131.90 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 16 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 131.67 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 24 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 31.98 FEET TO A WEST CORNER OF SAID LOT 54 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 54 I.T., A DISTANCE OF 13.21 FEET TO A WEST CORNER OF SAID LOT 54 I.T., THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 76.17 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 432.00 FEET, ARC LENGTH OF 307.08 FEET, DELTA ANGLE OF 40 DEGREES 43 MINUTES 40 SECONDS, A CHORD BEARING OF NORTH 20 DEGREES 21 MINUTES 50 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 300.66 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 343.00 FEET, ARC LENGTH OF 179.45 FEET, DELTA ANGLE OF 29 DEGREES 58 MINUTES 33 SECONDS, A CHORD BEARING OF NORTH 25 DEGREES 44 MINUTES 24 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 177.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 257.00 FEET, ARC LENGTH OF 160.73 FEET, DELTA ANGLE OF 35 DEGREES

50 MINUTES 01 SECONDS, A CHORD BEARING OF NORTH 28 DEGREES 40 MINUTES 08 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 158.12 FEET TO A POINT OF TANGENCY, THENCE NORTH 46 DEGREES 35 MINUTES 08 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 159.79 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 282.00 FEET, ARC LENGTH OF 108.74 FEET, DELTA ANGLE OF 22 DEGREES 05 MINUTES 35 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 37 MINUTES 55 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 108.07 FEET TO A POINT OF TANGENCY, THENCE NORTH 68 DEGREES 40 MINUTES 43 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 25.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 315.50 FEET, ARC LENGTH OF 117.41 FEET, DELTA ANGLE OF 21 DEGREES 19 MINUTES 17 SECONDS, A CHORD BEARING OF NORTH 79 DEGREES 20 MINUTES 21 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 116.73 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 3.95 FEET TO A POINT, THENCE NORTH 81 DEGREES 09 MINUTES 18 SECONDS EAST, A DISTANCE OF 183.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 154.60 FEET, ARC LENGTH OF 182.94 FEET, DELTA ANGLE OF 67 DEGREES 47 MINUTES 43 SECONDS, A CHORD BEARING OF SOUTH 64 DEGREES 56 MINUTES 50 SECONDS EAST, AND A CHORD LENGTH OF 172.45 FEET TO A POINT, THENCE SOUTH 50 DEGREES 53 MINUTES 25 SECONDS EAST, A DISTANCE OF 232.75 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 137.62 FEET, ARC LENGTH OF 285.14 FEET, DELTA ANGLE OF 118 DEGREES 42 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 51 DEGREES 04 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 236.81 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 184.20 FEET, ARC LENGTH OF 145.13 FEET, DELTA ANGLE OF 45 DEGREES 08 MINUTES 38 SECONDS, A CHORD BEARING OF SOUTH 41 DEGREES 11 MINUTES 09 SECONDS EAST, AND A CHORD LENGTH OF 141.41 FEET TO A POINT OF TANGENCY, THENCE SOUTH 18 DEGREES 36 MINUTES 50 SECONDS EAST, A DISTANCE OF 70.92 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 06 SECONDS EAST, A DISTANCE OF 36.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 45.13 FEET, ARC LENGTH OF 103.82 FEET, DELTA ANGLE OF 131 DEGREES 47 MINUTES 14 SECONDS, A CHORD BEARING OF SOUTH 46 DEGREES 46 MINUTES 17 SECONDS EAST, AND A CHORD LENGTH OF 82.40 FEET TO A POINT OF TANGENCY, THENCE SOUTH 19 DEGREES 07 MINUTES 21 SECONDS WEST, A DISTANCE OF 106.73 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE

DIRECTION, HAVING A RADIUS OF 141.83 FEET, ARC LENGTH OF 227.79 FEET, DELTA ANGLE OF 92 DEGREES 01 MINUTES 16 SECONDS, A CHORD BEARING OF SOUTH 26 DEGREES 53 MINUTES 18 SECONDS EAST, AND A CHORD LENGTH OF 204.08 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 20.00 FEET, ARC LENGTH OF 29.03 FEET, DELTA ANGLE OF 83 DEGREES 10 MINUTES 23 SECONDS, A CHORD BEARING OF SOUTH 31 DEGREES 18 MINUTES 44 SECONDS EAST, AND A CHORD LENGTH OF 26.55 FEET TO A POINT OF TANGENCY, THENCE SOUTH 10 DEGREES 16 MINUTES 28 SECONDS WEST, A DISTANCE OF 26.71 FEET TO A POINT, THENCE NORTH 79 DEGREES 55 MINUTES 35 SECONDS WEST, A DISTANCE OF 92.83 FEET TO A POINT, THENCE SOUTH 44 DEGREES 05 MINUTES 06 SECONDS WEST, A DISTANCE OF 95.17 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 75.00 FEET, ARC LENGTH OF 65.76 FEET, DELTA ANGLE OF 50 DEGREES 14 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 80 DEGREES 27 MINUTES 23 SECONDS EAST, AND A CHORD LENGTH OF 63.67 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 173.75 FEET, ARC LENGTH OF 59.20 FEET, DELTA ANGLE OF 19 DEGREES 31 MINUTES 12 SECONDS, A CHORD BEARING OF NORTH 84 DEGREES 11 MINUTES 06 SECONDS EAST, AND A CHORD LENGTH OF 58.91 FEET TO A POINT OF TANGENCY, THENCE SOUTH 86 DEGREES 03 MINUTES 17 SECONDS EAST, A DISTANCE OF 97.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 100.00 FEET, ARC LENGTH OF 111.81 FEET, DELTA ANGLE OF 64 DEGREES 03 MINUTES 39 SECONDS, A CHORD BEARING OF NORTH 61 DEGREES 54 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 106.07 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 88.34 FEET, DELTA ANGLE OF 25 DEGREES 18 MINUTES 26 SECONDS, A CHORD BEARING OF NORTH 42 DEGREES 32 MINUTES 16 SECONDS EAST, AND A CHORD LENGTH OF 87.62 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 125.00 FEET, ARC LENGTH OF 95.15 FEET, DELTA ANGLE OF 43 DEGREES 36 MINUTES 53 SECONDS, A CHORD BEARING OF NORTH 33 DEGREES 23 MINUTES 03 SECONDS EAST, AND A CHORD LENGTH OF 92.87 FEET TO A POINT, THENCE SOUTH 34 DEGREES 57 MINUTES 43 SECONDS EAST, A DISTANCE OF 102.16 FEET TO A POINT, THENCE NORTH 62 DEGREES 17 MINUTES 16 SECONDS EAST, A DISTANCE OF 32.40 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 20.00 FEET, ARC LENGTH OF 39.30 FEET, DELTA ANGLE OF 112 DEGREES 35 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 61 DEGREES 24 MINUTES 58 SECONDS EAST, AND A CHORD LENGTH OF 33.28 FEET TO A POINT OF TANGENCY,



THENCE SOUTH 05 DEGREES 07 MINUTES 11 SECONDS EAST, A DISTANCE OF 34.27 FEET TO A POINT, THENCE SOUTH 43 DEGREES 16 MINUTES 31 SECONDS WEST, A DISTANCE OF 91.09 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 58.48 FEET, ARC LENGTH OF 147.08 FEET, DELTA ANGLE OF 144 DEGREES 06 MINUTES 37 SECONDS, A CHORD BEARING OF SOUTH 39 DEGREES 33 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 111.26 FEET TO A POINT OF TANGENCY, THENCE SOUTH 32 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 64.91 FEET TO A POINT, THENCE SOUTH 48 DEGREES 55 MINUTES 55 SECONDS EAST, A DISTANCE OF 19.82 FEET TO A POINT, THENCE SOUTH 14 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 57.67 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 54 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 54 I.T., SAID LINE BEING 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 704.36 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 411,366.68 SQUARE FEET OR 9.44 ACRES, MORE OR LESS.

April 15, 2002 (1:56PM)  
F:\Projects\20020336\lyplat\dwg\chgzzone.rtf



# Memo



**To: Jason Reynolds, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: May 23, 2002**

**Re: Pioneer Woods CZ3368**

---

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. We require pre-treatment of the storm water runoff prior to discharge. Filter out petre chemicals. We recommend use of compost filters or oil water separating manufactured units.
2. Substitute Swamp White Oak for Red Oak
3. Scotch Pine is not an acceptable species for planting at this time due to disease. Consider alternative of Concolor Fir, Colorado Spruce, Black Hills Spruce, Serbian Spruce or White Pine.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # DRF02056

Address

Job Description: PIONEER WOODS

Location: PIONEER WOODS

Special Permit: N

Preliminary Plat: N

Use Permit: Y 144

CUP/PUD: N

Requested By: JASON REYNOLDS

Status of Review: Approved

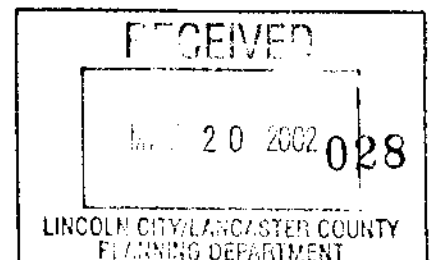
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





**Benjamin J Higgins**

06/12/2002 12:55 PM

To: Jason W Reynolds/Notes@Notes  
cc: Dennis D Bartels/Notes@Notes, Nicole Tooze/Notes@Notes  
Subject: Pioneer Woods 1st Addition, Use Permit #144

Jason

Attached are Watershed Management Program comments on Pioneer Woods 1st Addition, use permit #144.

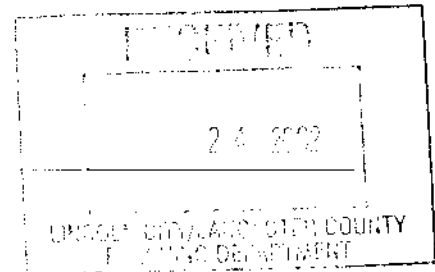
The comments are based on a four-sheet plan received from you via interoffice mail on June 6, 2002.

- Defined drainage paths need to be designed for those drainage outlets not draining directly to wetland areas. The design for the drainage paths need to show how they will be protected from erosion.
- Note 3 on Sheet 3 of 4 states that runoff will be sheet drained where applicable. This is not applicable for the area since flow off of buildings and parking lots will invariably be concentrated and eventually cause gully and rill erosion down the north and east side of the addition. The drainage from ALL drainage outlets must have erosion control measures. Unmanaged flow from buildings and parking lots should not be allowed to the site topography.
- As with all developments a sediment and erosion control plan must be submitted prior to any grading.
- It is requested that the site grading certification letter (when grading and sediment and erosion control measures are complete) be copied to the Watershed Management Program at 901 N. 6th Street, Lincoln, NE 68508
- A floodplain permit will be required for any bridges. Although the FIS mapping may show proposed bridges to be out of a mapped floodplain, in the physical world they would be in the floodplain and also the actual floodway. Any bridges need to go through the usual floodway regulations to be permitted.
- Hydraulic grade line calculations and profiles are required for the storm drain pipe system.
- Energy dissipation calculations for the outlets are required.

Thanks, call if any questions (441-7589)

Ben Higgins  
Watershed Management Program  
City of Lincoln Public Works

# M e m o r a n d u m



**To:** Jason Reynolds, Planning

**From:** *Dennis Bartels*, Engineering Services

**Subject:** Use Permit #144, Pioneer Woods

**Date:** May 22, 2002

**cc:** Roger Figard  
Randy Hoskins  
Virendra Singh  
Nicole Fleck-Tooze  
Ben Higgins

Engineering Services has reviewed the change of zone to office and Use Permit 144 at Pioneer Woods and has the following comments:

1. The proposed lots for office use can be served with sewer and water as proposed.
2. Drainage - The previously approved drainage plan showed discharge from storm sewers into stilling basins located immediately adjacent to existing or mitigated wetlands. The plans now show storm sewer outlets located away from the wetlands and out letting 10 plus feet above the elevations shown in the wetlands. The wetland areas shown to be existing or proposed are different than those shown on the latest set of plans submitted. Both sets of plans have a note that indicates that an Army Corps of Engineers 404 permit has been obtained.

The plan should be redesigned to show how the proposed plan will address water quality and erosion and sediment control for runoff from this site.

3. The originally approved traffic impact study for this development included proposed uses for the area of this use permit. The traffic study and previously approved offsite traffic improvement agreement are satisfactory.



INTER-DEPARTMENT COMMUNICATION

DATE May 28, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
DN #42S-72E

Attached is the Site Plan for Pioneer Woods 1st Addition.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require a blanket utility easement over Outlot "A".

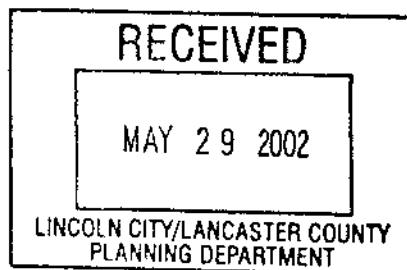
Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



OFFICE\FO\DEDEAS.Fm

1. Delete 1.1.13 and 1.1.14
2. Amend paragraph 3 to read as follows:

"Owners shall contribute the amount of \$20,000.00 to be utilized by the City for a pedestrian connection to the proposed bike trail on the east side of Antelope Creek. If the City is unable to obtain the necessary permits to construct the pedestrian connection then the \$20,000.00 may be utilized by the City for the construction of the bike trail on the east side of Antelope Creek."



